



INTRODUCTION

State of the State

Governor Cooper gave his first State of the State Address to the General Assembly last week and returned to the same themes that drove much of his campaign: improving education, expanding access to health care, and repealing HB 2. The responses from legislative leaders, particularly Senate Leader Phil Berger, do not suggest a bipartisan coming together in the near future.

Governor's First Veto

Last week we also saw Governor Cooper's first veto of legislation approved by the General Assembly. Governor Cooper vetoed HB 100, a bill that would make superior and district court judicial elections partisan by requiring party affiliation to be listed on the ballot. Although the Republican's have the numbers to overturn the Governor's veto, it has not been scheduled for a vote yet.

Nursing Modernization Legislation

The North Carolina House is currently considering a bill ([HB 88](#)) that would change the way advanced practice nurses are licensed and regulated. Specifically, the bill would eliminate the requirement for nurse practitioners to be supervised by a physician and would alter the relationship between nurse anesthetists and physicians. Advocates for the bill claim that it will reduce unnecessary regulations and free up nurses to provide affordable care in hard to serve areas. Bill opponents, including different physician groups, claim that the bill could have a negative impact on the quality of care and even endanger patients.

The bill's proponents and opponents testified before the House Health Committee this week, but no vote was taken.

Education Changes

The State House passed [HB 322](#) last week, which will change the way schools are graded for student performance. Currently, schools are graded using an 80 / 20 formula: 80 percent of the grade is based on student performance on standardized tests and 20 percent is based on improvement



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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FOR MORE INFORMATION:

Colleen Kochanek
Ashley Matlock Perkinson
Rachel E. Beaulieu
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988
colleen@kochaneklawgroup.com
ashley@perkinsonlawfirm.com
rachel@beaulieuedlaw.com
www.kochaneklawgroup.com

from previous years. HB 322 would change that formula to 50 / 50 in order to better reward improvement. The bill's fate in the Senate is unclear as that chamber has been more reluctant to incorporate a greater percentage of student growth.

A different education bill, [HB 90](#), would eliminate statewide final exams and allow locally-developed exams for most courses. This bill was debated but not voted on in the House Education committee this week.

Proposed Tax Cuts

State legislative leaders proposed a new round of tax cuts this week—the House proposal would reduce revenue by \$300 million while the Senate plan would cut \$1 billion in revenue. House and Senate leaders will continue to negotiate the details of a final tax plan throughout session, but both chambers appear committed to further tax cuts. Governor Cooper did not include any tax increases in his proposed budget and has criticized further tax cuts at a time when he feels more investment is needed in education, health and infrastructure.

BILLS OF INTEREST

HOUSE BILL 324, Pilot Project to Treat Opiate Overdose. This local bill that would only apply to Wilmington would:

- direct the Department of Public Safety, in conjunction with the City of Wilmington, to develop and implement a pilot project to establish a “Quick Response Team” (QRT) to address the needs of opiate and heroin overdose victims who are not getting follow-up treatment;
- provide that the QRT will be staffed by firefighters, police officers, medics, and other law enforcement; and
- appropriate \$250,000 to fund the implementation of the QRT.

Introduced by Representative Davis and referred to the House Judiciary I Committee where it has already been heard and approved. The bill will next be considered by the House Appropriations Committee.

HOUSE BILL 328, Athletic Associations Accountability Act, would direct the President Pro Tempore of the Senate and the Speaker of the House of Representatives to file a complaint with the Internal Revenue Service against the National Collegiate Athletic Association and the Atlantic Coast Conference, alleging excessive lobbying activities related to House Bill 2. The bill would also require the chancellor of a constituent institution of the University of North Carolina to report information on employees and faculty members participating in boards, committees, and other working groups organized or operated by an intercollegiate athletic association, matters brought before those individuals, and the anticipated impact on the constituent institution. **Introduced by Representatives Brody, Millis, Yarborough and Boswell and referred to the House Judiciary I Committee.**

HOUSE BILL 329, Home School Education Tax Credit, would allow an income tax credit of \$1,250 per semester for each of a taxpayer's eligible dependent children who is a resident of this State and who, for one or two semesters during the taxable year, is enrolled in a home school that meets specified requirements. **Introduced by Representatives Pittman, Boswell, and Brody and referred to the House Education K-12 Committee.**

HOUSE BILL 330, Civ Pro/Qualified Immunity for Auto Accident, would provide that, if a person driving an automobile and exercising due care injures another person who is participating in a protest or demonstration and blocking traffic in a public right-of-way, s/he is immune from civil liability for the injury. However, this immunity would not apply if the actions leading to the injury were willful or wanton. **Introduced by Representatives Burr and Millis and referred to the House Judiciary I Committee.**

HOUSE BILL 333, Local Option Sales Tax Flexibility, would allow counties to levy a local sales and use tax in the county at a rate of up to one-half percent, in addition to the current local sales and use taxes, to be used only for public education, if approved by a majority of voters in a referendum. The tax would be limited to an increase in increments of .25%, and the total local sales and use tax rate would be limited to 2.5% or 2.75%, as specified. If the tax is approved in the referendum, the board of commissioners of the county could, by resolution and after 10 days' public notice, levy a local sales and use tax at the rate specified in the ballot. The county could use the proceeds of the tax only for the following purposes: (1) public school capital outlay purposes, or to retire any indebtedness incurred by the county for these purposes; (2) supplements of classroom teacher salaries; or (3) financial support of community colleges, including funds to supplement State financial support of community colleges. **Introduced by Representatives S. Martin, Hunter, Watford, and Saine and referred to the House Finance Committee.**

HOUSE BILL 334, Families' Stabilization Act, would enact the Families' Stabilization Act of North Carolina. The bill would:

- define “employer” as the State or any local government and every person having control or direction of any employee, or responsible directly or indirectly for the wages of another, who employs more than five employees;
- prohibit an employer from paying any person in the employer's employ at wage rates less than the rates paid to employees of another gender in the same establishment for the same quantity and quality of the same classification of work;
- provide that an employer who violates this prohibition is liable to the employee affected in the amount of the wages that the employee is deprived by reason of the violation;
- provide that this provision does not prohibit a variation of rates of pay for employees engaged in the same classification of work based upon seniority, a difference in length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor or factors other than gender when exercised in good faith;
- prohibit an employer that is in violation of this section from reducing the pay of any employee in order to bring the employer into compliance;
- prohibit an employer from retaliating against any employee who seeks redress or who participates in the investigation of a complaint;
- allow an affected employee to file with the Department of Labor a complaint that the wages paid to the employee are less than the wages to which the employee is entitled, and require the Department to investigate the complaint and notify the employer and employee of the results of the investigation;
- allow an employee receiving less than the wage to which the employee is entitled to recover in a civil action the balance of such wages, together with the costs and attorneys' fees, notwithstanding any agreement to work for a lesser wage;

- provide that the employee is not required to exhaust administrative remedies before filing the civil action; and
- require a civil action pursuant to this section to be brought within two years after the date that the alleged violation is discovered by the affected employee.

Introduced by Representatives Cunningham, Fisher, Black, and Butler and referred to the House State Personnel Committee.

HOUSE BILL 335, Vacancies/NC Sup Ct/Ct of App/Superior Ct/DAs, would clarify the manner in which vacancies are filled for Justices of the North Carolina Supreme Court, Judges of the North Carolina Court of Appeals, Judges of superior court, and district attorneys as follows:

- for Supreme Court Justices and Court of Appeals judges, the Governor would appoint from a list of three persons recommended by the State executive committee of the political party with which the vacating member was affiliated when elected, if any, if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy;
- for a superior court judge in a single-county judicial district, the Governor would appoint from a list of three persons recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, if any, if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy;
- for a superior court judge in a multi-county judicial district, the Governor would appoint from a list of three persons recommended by the district executive committee of the political party with which the vacating member was affiliated when elected, if any, if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy; and
- for a district attorney, the Governor would appoint from a list of three persons recommended by prosecutorial district committee of the political party with which the vacating member was affiliated when elected, if any, if that prosecutorial district committee makes recommendations within 30 days of the occurrence of the vacancy. The prosecutorial district committee would have at least one member appointed by the county executive committee of that political party from each county included in that prosecutorial district. A county executive committee could elect more than one member to the district committee, but if more than one member is selected from that county, each member would cast an equal share of the votes allotted to the county.

Introduced by Representatives Burr, K. Hall, Saine, and Bumgardner and referred to the House Judiciary I Committee.

HOUSE BILL 338, Establish New Nurse Licensure Compact, would repeal and replace North Carolina's current Nurse Licensure Compact with a variety of changes, including:

- Defines several terms, including alternative program (non-disciplinary monitoring program approved by a licensing-board), coordinated licensure information system (CLIS), home state, and party state (any state that has adopted the Compact).
- Provides that a multistate license to practice registered or licensed practical/vocational nursing issued by a home state to its resident will be recognized by each party state. Specifies 11 requirements for a multistate licensure privilege, including educational and criminal record requirements.
- Provides that any nurse holding a home state multistate license, on the effective date of this Compact, may retain and renew the license issued by the nurse's then current home state, under certain qualifying circumstances.

- Provides a detailed series of directives to the licensing board and nurses holding licenses in multiple states or applying for licensure in advance of changing the primary state of residence, and conditions under which a multistate license converts to a single-state license.
- Authorizes a licensing board to take adverse action(s) against a nurse's multistate licensure privilege to practice within a party state.
- Directs all party states to participate in a CLIS. Directs the Interstate Commission of Nurse Licensure Compact Administrators (Commission) to formulate necessary and proper procedures for the identification, collection, and exchange of information under this Compact.
- Establishes the Commission and its powers and authorities under law.
- Directs each party state to enforce and effectuate the Compact. Authorizes the Commission to both file and defend legal actions, provide remedial training to member states, enter into and direct mediation, arbitration, and other legal remedies.
- Effective upon the earlier of when at least 26 states have enacted the Compact, or December 31, 2018.

Introduced by Representatives Szoka, Adcock, Boswell, and Williams, and referred to the House Health Committee, if favorable, Finance.

HOUSE BILL 344, Exempt Ocular Surgery from CON laws, would:

- add a new legislative finding concerning the demand for ocular surgical procedures;
- define ocular surgical procedure and ocular surgical procedure room;
- exempt licensed ophthalmologists who provide ocular surgical procedures in one or more ocular surgical procedure rooms from obtaining certificates of need to license that setting as an ambulatory surgical facility with the existing number of ocular surgical procedure rooms; and
- require that (1) the license application is postmarked by December 31, 2017, (2) the applicant verifies within 60 days of the effective date of this act that the facility is in operation as of the effective date of this act or that the completed application for the building permit was submitted by the effective date of this act, (3) the facility has been accredited by specified organizations by the time the license application is postmarked, and (4) the license application includes a commitment and plan for serving indigent and medically underserved populations.

All other persons proposing to obtain a license to establish an ambulatory surgical facility for ocular surgical procedures must obtain a certificate of need. **Introduced by Representative Speciale and referred to the House Health Committee.**

HOUSE BILL 345, Omnibus Firearms Bill, would make various amendments to the State's concealed handgun laws to:

- amend the term "educational property" to provide that the term does not include any of the following: (1) land buildings or other facilities owned, leased, or otherwise controlled by educational institutions but not used primarily for educational purposes; (2) a religious institution for which facilities are used as a school on a part-time basis, provided such facilities are not currently in use as a school; (3) a road or other publicly used thoroughfare which crosses an educational campus; or (4) **a medical facility for which the primary purpose is patient care rather than education;**
- provide that the restrictions on the listed extracurricular activities (where it is a Class I felony for any person knowingly to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind on educational property or to a curricular or

extracurricular activity sponsored by a school) do not apply to persons not participating in the extracurricular activity provided the extracurricular activity is conducted in a public place, including, but not limited to, a restaurant, public park, or museum;

- allow the Governor and the Governor's immediate family to carry a weapon on the property of the Executive Mansion and the Western Residence of the Governor;
- revise the definitions of *qualified former sworn law enforcement officer*, *qualified retired correctional officer*, and *qualified retired probation or parole certified officer* to include individuals retired from service in those positions who have been retired for five years or less (was, two years or less);
- extend the validity of permits to carry concealed handguns from 5 to 10 years;
- require the sheriff to deny a concealed handgun permit to a person who is or has been discharged from the US Armed Forces under dishonorable conditions (currently, conditions other than honorable);
- provide that no rule adopted by the Legislative Services Commission for the use of the State legislative buildings and grounds may prohibit a legislator or legislative employee who has a valid concealed handgun permit from carrying a concealed handgun on the premises of the State legislative buildings and grounds. The Legislative Services Commission could adopt a rule requiring a legislator or a legislative employee to provide notice to the Chief of the General Assembly Special Police, or the Chief's designee, before carrying the handgun on the premises of the State legislative buildings and grounds; however, once initial notice is provided as required, no subsequent notification would be required. The Legislative Services Commission could establish a procedure for the notification, and could also adopt rules prohibiting or regulating the carrying of a firearm openly or concealed in the Gallery of the State legislative building;
- allow a legislator or legislative employee who has a valid concealed handgun permit to carry a concealed handgun on the premises of the State legislative buildings and grounds if he or she complies with any notice requirement adopted by the Legislative Services Commission;
- clarify provisions regarding the disposition of deadly weapons when the owner of the weapon is the convicted defendant by allowing the presiding judge to dispose of the weapon as specified at the judge's discretion; and
- make it a Class 1 misdemeanor for a person who arms himself or herself with an unusual and dangerous weapon for the purpose of terrifying others and goes about on public highways in a manner to cause terror to the people; however, no person could be convicted of such a violation based only on the person's possession or carrying of a handgun, whether openly or concealed.

Introduced by Representatives Speciale, Pittman, Brody, and Boswell and referred to the House Judiciary I Committee.

HOUSE BILL 356, Tax Reduction Act of 2017, would increase the standard income tax deduction allowed for tax years beginning on or after January 1, 2018, as follows:

- married, filing jointly/surviving spouse – from \$17,500 to \$18,500;
- head of household – from \$14,000 to \$14,800;
- single – from \$8,750 to \$9,250; and
- married, filing separately – from \$8,750 to \$9,250.

Introduced by Representatives Szoka, Saine, Brawley, and S. Martin and referred to the House Finance Committee.

HOUSE BILL 357, Modernize Dietetics/Nutrition Practice Act, would expand the ability of qualified nutrition professionals to practice and would amend the Act as follows:

- makes clarifying and technical changes, adding and defining new terms including the Accreditation Council for Education in Nutrition and Dietetics (ACEND), certified nutrition specialist, diplomate of the American Clinical Board of Nutrition, medical nutrition therapy, nutrition, registered dietitian nutritionist, and telepractice. Amends the definition of nutrition care services;
- amends the membership of the NC Board of Dietetics/Nutrition (Board); amends the appointment and removal of the Board members; amends and expands the powers and responsibilities of the Board;
- enacts new section, G.S. 90-357.5, "License requirements," setting out procedures and application requirements for applicants to become licensed as a dietitian/nutritionist;
- enacts a new statute regarding criminal history record checks of applicants for licensure, and authorizing the Department of Public Safety to provide the Board with a criminal history record for licensure applicants;
- amends a series of dietitian/nutritionist statutes concerning competency examinations, procedures for out-of-state licensees (previously, a license to be a dietitian/nutritionist could be granted in North Carolina without meeting any examination requirements if the person holds a valid license to be a licensed dietitian/nutritionist from another state or territory), suspensions/revocations of licenses;
- makes it illegal to provide medical nutrition therapy without a license. Also provides that without a license you cannot use the title "dietitian/nutritionist," "nutritionist," or "licensed nutritionist" or hold oneself out as a dietitian or nutritionist. Makes technical changes and conforming changes;
- requires an individual providing dietetic/nutritional services by telepractice to comply with the licensing and disciplinary provisions of Article 25, Chapter 90;
- enacts a new provision regarding Enteral and parenteral nutrition therapy;
- removes the provision exempting employees or independent contractors of a hospital or health care facility; and
- except as otherwise stated, effective July 1, 2017.

Introduced by Representatives Malone, Murphy, and Adcock, and referred to House Health Committee, if favorable, Finance.

HOUSE BILL 366, Retail Workers' Bill of Rights, would enact the Rights of Retail Workers' Act to provide retail employees with more predictable, stable work schedules that are essential to their ability to earn a living and ensure a healthy and decent life for themselves and their families and to ensure that part-time employees in retail establishments are treated fairly and equally compared to their full-time counterparts. The bill would, among other things, require employers to provide part-time employees with the same: (1) starting hourly wage as that provided to starting full-time employees who hold jobs that require equal skill, effort, and responsibility, and that are performed under similar working conditions; (2) access to employer-provided paid and unpaid time off as that afforded to full-time employees for the same job classification; and (3) eligibility for promotions as that afforded to full-time employees for the same job classification, with certain conditions allowed. The bill also includes requirements about notice of work hours and pay for on-call time. **Introduced by Representatives Brockman, Fisher, Harrison, and Holley and referred to the House Rules Committee.**

HOUSE BILL 367, Community Health Centers Grant Program/Funds, would:

- appropriate \$7.5 million each for 2017 and 2018 from the General Fund to the Department of Health and Human Services, Office of Rural Health for the Community Health Centers Grant Program to award grants on a competitive basis to health

organizations with a focus on providing healthcare services to low income and vulnerable populations;

- direct the Office of Rural Health to work with specified healthcare associations to establish a Primary Care Advisory Committee to develop a process for grading grant applications and making recommendations for the reward of grants;
- direct the Office of Rural Health to make the final decision about rewarding grants, but provide that no single grant may exceed \$150,000 for a fiscal year;
- direct the Office to give preference to applicants located in areas with the highest incidences of poverty, or that serve the highest percentage of indigent clients prohibits grant recipients from using grant funds to enhance compensation for persons receiving funds for program administration, to supplant existing funds, or to finance or satisfy any existing debt; and
- direct the Office to develop a reporting method for grantees, and direct grantees to report annually on specified information regarding the success of the Community Health Centers Grant Program.

Introduced by Representatives Dobson, Presnell, and Jordan and referred to the House Appropriations Committee.

HOUSE BILL 379, Task Force on Regulatory Reform, would establish a 12-member Task Force on Regulatory Reform to (1) solicit and review proposals on ways to improve the regulatory climate of North Carolina, and (2) make recommendations to implement the proposals. The Task Force would solicit proposals from owners and managers of businesses, economic development professionals, employers, employees, independent contractors, consumers, and citizens from across the State, and would consider all of the following:

- methods to eliminate ineffective or overly burdensome regulation;
- options to streamline implementation and reduce the cost of complying with certain State regulations;
- mechanisms to quickly identify and review disproportionately misinterpreted or challenged regulations; and
- other ideas for improving the regulatory climate of the State.

Introduced by Representatives Riddell, Millis, Bradford, and Brenden Jones and referred to the House Regulatory Reform Committee.

HOUSE BILL 390, Counties/Internet Infrastructure, is identical to Senate Bill 208, summarized in the March 14, 2017, Legislative Report. **Introduced by Representatives Dobson, Bert Jones, Presnell, and Garrison and has not yet been assigned to a House committee.**

HOUSE SIMPLE RESOLUTION 401, Supporting Clean Energy/Creating Green Jobs, would state that the State of North Carolina should establish a transition from a fossil fuel-based economy to 100% clean renewable energy for all energy sector economies, by December 31, 2050, to avoid climate catastrophe, to promote job creation and economic growth, and to protect the earth for current and future generations from climate catastrophe. **Introduced by Representatives Harrison, Autry, Fisher, and Farmer-Butterfield and has not yet been assigned to a House committee.**

SENATE BILL 256, Body Art Regulation Changes, is identical to House Bill 250, summarized in the March 6, 2017, Legislative Report. **Introduced by Senators J. Davis and Foushee and referred to the Senate Rules Committee.**

SENATE BILL 258, Enact Naturopathic Doctors Certification Act, would establish certification and education standards for the practice of naturopathic medicine as follows:

- prohibits a person from practicing naturopathic medicine without a state certification issued pursuant to the bill, with specified exemptions;
- defines naturopathic medicine generally as a system of natural health care that employs diagnosis and treatment using natural therapies and diagnostic techniques;
- makes violation of the law a Class 1 misdemeanor;
- establishes the NC Naturopathic Physicians Certification Board (Board), and charges the Board with administration of the certification program; and
- sets out qualifications for certification as a naturopathic physician, fees that may be charged by the Board, and the Board's disciplinary authority, and permits criminal record checks for certified naturopathic doctors and persons seeking certification.

Introduced by Senators Krawiec, Tillman, and Tucker, and referred to Senate Rules Committee.

SENATE BILL 292, Ordinance Violation Not a Misdemeanor, would provide that violation of a city or county ordinance is not punishable as a misdemeanor or infraction unless expressly provided by general law. A violation of an ordinance of a county, city, or town regulating the operation or parking of vehicles would be an infraction with a penalty of not more than \$100.

Introduced by Senators Lee, J. Jackson, and Britt and referred to the Senate Rules Committee.

SENATE BILL 297, Modernize Dietetics/Nutrition Practice Act, is identical to House Bill 357, summarized above in this Legislative Report. **Introduced by Senator Brock and referred to the Senate Rules Committee.**

SENATE BILL 302, Concussion Protocol/County Rec, would:

- give counties and cities the authority to require precautions to ensure the safety and well-being of county and municipal recreation program participants, including concussion awareness information and a response protocol in case of a suspected concussion; and
- provide immunity from civil damages to any program director, employee, or volunteer of a county or municipal recreation program for any act authorized above or for any related omission unless the act or omission amounts to gross negligence, wanton conduct or intentional wrongdoing.

Introduced by Senators D. Davis, Hise, and Brock and has not yet been assigned to a Senate committee.

SENATE BILL 303, Use of Passing Lane/Increased Penalty, would require a vehicle traveling on any controlled-access and partially controlled-access highway that is proceeding at less than the legal maximum speed limit or impeding the steady flow of traffic to be driven in a lane other than the inside lane next to the centerline or median of a multilane highway, except when overtaking and passing another vehicle proceeding in the same direction or when making a left turn. A violation would be an infraction punishable by a fine of \$200. A person would be considered "impeding the steady flow of traffic" if the person knows or reasonably should know that he or she is being overtaken from the rear by a vehicle traveling at a higher rate of speed.

Introduced by Senators Tarte, McInnis, and J. Davis and has not yet been assigned to a Senate committee.

SENATE BILL 307, Occup. Therapy/Choice of Provider, is identical to House Bill 208, summarized in the March 6, 2017, Legislative Report. **Introduced by Senators Newton and Krawiec and has not yet been assigned to a Senate committee.**

SENATE BILL 309, 9/11 as First Responders Day, would designate September 11th of each year as a day to honor and remember first responders. **Introduced by Senator Sanderson and has not yet been assigned to a Senate committee.**

SENATE BILL 316, Suicide Prevention/Awareness School Personnel, is identical to House Bill 285, summarized in the March 14, 2017, Legislative Report. **Introduced by Senators Krawiec, D. Davis, and Pate and has not yet been assigned to a Senate committee.**

- Colleen Kochanek
NCCEP Legislative Counsel
Kochanek Law Group
P.O. Box 1038
Wake Forest, NC 27588
919.747.9988
colleen@kochaneklawgroup.com
www.kochaneklawgroup.comⁱ

Ashley Matlock Perkinson
Perkinson Law Firm
919.210.8209
ashley@perkinsonlawfirm.com

Rachel E. Beaulieu
Rachel E. Beaulieu Law Office, PLLC
919.896.6296
Rachel@BeaulieuEdLaw.com

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